

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

CONSERVATION LAW FOUNDATION,)	
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Lisa P. Jackson, Administrator,)	
)	Civil No. 2:08-CV-238
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY REGION 1,)	
H. Curtis Spalding, Regional Administrator,)	
)	
Defendants)	
)	
v.)	
)	
DEBORAH MARKOWITZ, in her official capacity))	
As Secretary of the Vermont Agency of)	
Natural Resources,)	
)	
Intervenor-Defendant.)	

PLAINTIFF’S STIPULATED MOTION TO DISMISS AND REQUEST THAT THE COURT
ENTER FINAL JUDGMENT

Plaintiff Conservation Law Foundation (CLF) through its counsel, Anthony N. L. Iarrapino, respectfully moves the Court pursuant to Federal Rule of Civil Procedure 41(a)(2) to dismiss the above-captioned case with prejudice and to enter final judgment. In support of the motion, Plaintiff states as follows:

1. On April 28, 2010, the United States Environmental Protection Agency (EPA) requested by motion that the Court remand the agency action challenged in Conservation Law Foundation’s complaint—EPA’s November 4, 2002 approval of the Vermont portion of

the Lake Champlain Phosphorus TMDL—and to stay the case for a period of 180 days while the Agency reconsidered the challenged agency action.

2. On August 26, 2010, the Court granted EPA's motion, remanded the challenged agency decision to EPA, and stayed the case for a period of 180 days to allow EPA to complete its reconsideration of the challenged agency action.
3. Pursuant to paragraph 3 of the settlement between CLF and EPA, filed as an attachment to EPA's motion for remand and stay, CLF agreed, within two weeks after EPA's completion of its reconsideration, to request dismissal of its complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and to request that the Court enter final judgment in this matter.
4. On January 24, 2011, the EPA notified Vermont Agency of Natural Resources that EPA had completed its reconsideration of the challenged agency action.
5. CLF has consulted with counsel for EPA and counsel for the Secretary of the Vermont Agency of Natural Resources and is authorized to state that defendants and defendant-intervenor do not oppose this Motion.

Dated at Montpelier, in the District of Vermont, this 3rd day of February, 2011.

CONSERVATION LAW FOUNDATION,

By its attorney:

____/s/Anthony N. L. Iarrapino_____
Anthony N.L. Iarrapino
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UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2011, I electronically filed a Stipulated Motion to Dismiss with the Clerk of Court using the CM/ECF system thereby effecting service on all parties through their registered counsel.

/s/ Anthony Iarrapino
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